

Submitted by Vince Baudoin (precinct 1)

By: James Fleming

This document describes my motivations for filing article 30. I filed it in response to a personal experience, as described below.

- James Fleming, 58 Oxford St

Background

My wife and I are currently renovating our home to add more bedrooms in anticipation of starting a family. The planning for the renovation took about a year in total for design and getting on a contractor's schedule. In our case; adding 180sqft in dormers.

Experience

We filed for a permit with all the plans in May 2022. About a month later, Inspectional Services got back to us saying we needed a survey of the property, because they needed to check our property's status re: Usable Open Space.

We had not done a survey, as we did not think we would need one since we were adding dormers only and not extending the building footprint). This caused about three months of additional delay as we had to find a surveyor, get on their schedule, have them do the work, produce documents, and go back to Inspectional Services.

The total impact on us was four months of delay, and \$4000 for the survey, and additional work with the GC and architect.

The results of the survey were scary. We had enough Usable Open Space that there was a real question whether or not we were just barely conforming, or just barely nonconforming. If we were just barely conforming, we would not be able to do the addition we planned, and would have to change course.

"Change course", in this context, didn't just mean throwing out months of time and effort, and having to re-do it.

It meant self-doubt as to whether we could salvage the situation, or whether we would have to change our life plans.

It meant frustration with a zoning bylaw that states that ours and neighbors homes are non-conforming, despite our homes being built before Arlington ever adopted zoning.

And it meant fear that there was a real possibility that the ZBA would tell us: "Sorry, you can't add dormers, because your yard is too small".

Why File This Article?

We don't have a dog in this fight. As it turns out, our home was non-conforming, so we could proceed by right. We are now in the middle of the renovation and the dormers are up.

Lower Friction For Incremental Additions: There are thousands of one- and two-family homes in town, and homeowners do additions all the time, with dormers being one of the most common. The Usable Open Space rule incurs an additional monetary and time cost to some projects that (as I understand it) won't be necessary if the Usable Open Space rule is jettisoned.

To Prevent Someone Else Repeating Our Experience: The fear and uncertainty we felt was awful. I never want anyone else to experience that fear, or worse, actually be told they are running afoul of the UOS rule when trying to accommodate family growth.